

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOWEY DANNENBERG COHEN, P.C., its
capacity as account holder of, and party with interest
in, the REZULIN SETTLEMENT FUND
Plaintiff,

vs.

JAMES R. DUGAN, II, STEPHEN B. MURRAY
d/b/a THE MURRAY LAW FIRM, RAWLINGS
AND ASSOCIATES, PLLC, GREG MURPHY,
MORAIN & MURPHY, LLC, WALLACE
JORDAN RATLIFF & BRANDT, LLC, ELWOOD
S. SIMON & ASSOCIATES, P.C., KERSHAW,
CUTTER & RATINOFF, LLP, BERMAN
DEVALERIO PEASE TABACCO BURT &
PUCILLO, MARK FISCHER, GEORGE
RAWLINGS and SHIPMAN & GOODWIN, LLC
Defendants.

Case No. 08 Civ. 0461

HONORABLE LEWIS A. KAPLAN

ECF CASE

**DEFENDANTS', JAMES R. DUGAN, II AND STEPHEN B. MURRAY d/b/a THE
MURRAY LAW FIRM, NOTICE OF MOTION TO VACATE DEFAULT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Motion to Vacate Default, and the exhibits thereto, and all of the papers and proceedings herein and heretofore, Defendants, James R. Dugan, II and Stephen B. Murray d/b/a The Murray Law Firm, will move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 12D, New York, New York, at a time and date to be determined by the Court, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, for an Order vacating the default of Defendants', James R. Dugan, II and Stephen B. Murray d/b/a The Murray Law Firm.

Dated: New Orleans, Louisiana
February 29, 2008

/s/ Dane S. Ciolino

Dane S. Ciolino (DC-1964)
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Counsel of record for Defendants, James R. Dugan,
II and Stephen B. Murray d/b/a The Murray Law
Firm

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2008, I caused to be electronically filed the foregoing Notice of Motion to Vacate Default with the Clerk of the Court using the CM/ECF system which will send notification of such filing to registered counsel electronically. Pursuant to that notification, a true and exact copy of the foregoing was sent via email, fax, and/or U.S. mail to any party or counsel not receiving electronic service from CM/ECF by ordinary U.S. Mail, this 29th day of February, 2008.

/s/ Dane S. Ciolino

Dane S. Ciolino (DC-1964)